

Officer History

Officer Name: Hawk, Michael

Tax ID: 960645

Sex: M

Shield: 01338

Race: White

Rank: POM

Command: 331

DOB: [REDACTED]

Appt Date: 01/06/2016

Age: [REDACTED]

Tenure: 5

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201902826	04/02/2019	03/27/2019	OMN - Improper use of body-worn camera	Other Misconduct	Command Discipline - A	Command Discipline - A	069
	04/02/2019	03/27/2019	Abuse - Refusal to provide name	Unsubstantiated			069
	04/02/2019	03/27/2019	Abuse - Refusal to provide shield number	Unsubstantiated			069
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	04/02/2019	03/27/2019	OMN - Failure to produce stop and frisk report	Other Misconduct	Command Discipline - A	Command Discipline - A	069
	04/02/2019	03/27/2019	Abuse - Interference with recording	Substantiated (Command Discipline A)	Command Discipline - A	Command Discipline - A	069
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			069
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	04/02/2019	03/27/2019	Abuse - Failure to provide RTKA card	Unsubstantiated			069
201902964	04/05/2019	03/30/2019	Abuse - Frisk	Unsubstantiated			069
	04/05/2019	03/30/2019	Abuse - Failure to provide RTKA card	Unsubstantiated			069
	04/05/2019	03/30/2019	Abuse - Failure to provide RTKA card	Unsubstantiated			069
	04/05/2019	03/30/2019	OMN - Improper use of body-worn camera	Other Misconduct	Instructions	Instruction	069
	04/05/2019	03/30/2019	OMN - Failure to prepare a memo book entry	Other Misconduct	Instructions	Instruction	069
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	04/05/2019	03/30/2019	Abuse - Vehicle search	Unsubstantiated			069

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Race: White

Rank: POM

Command: 331

DOB: [REDACTED]

Appt Date: 01/06/2016

Age: [REDACTED]

Tenure: 5

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
201902964	04/05/2019	03/30/2019	Abuse - Search (of person)	Unsubstantiated			069
	04/05/2019	03/30/2019	Abuse - Search (of person)	Unsubstantiated			069
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	04/05/2019	03/30/2019	OMN - Failure to produce stop and frisk report	Other Misconduct	Instructions	Instruction	069
201906319	07/17/2019	07/02/2019	Force - Physical force	Substantiated (Charges)			331
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
Total Charges = 26				Total Cases = 6			

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #13	CCRB Case #: 201902826	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wed, 03/27/2019 7:52 PM	Location of Incident: [REDACTED] Seaview Avenue	Precinct: 69	18 Mo. SOL 09/27/2020	EO SOL 5/14/2021	
Date/Time CV Reported Tue, 04/02/2019 10:17 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/02/2019 10:17 AM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]
2. [REDACTED]	Victim	[REDACTED]

Witness(es)	Home Address
1. [REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. DTS [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM Michael Hawk	01338	960645	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]	A . Exonerated
B . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]	B . Exonerated
C . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] stopped [REDACTED]	C . Exonerated
D . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] stopped [REDACTED]	D . Exonerated
E . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]	E . Exonerated
F . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]	F . Exonerated
G . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] frisked [REDACTED]	G . Exonerated
H . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk frisked [REDACTED]	H . Exonerated
I . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] frisked [REDACTED]	I . Exonerated
J . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] searched the vehicle in which [REDACTED] and [REDACTED] Bristol were occupants.	J . Exonerated
K . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk interfered with [REDACTED] use of a recording device.	K . Substantiated
L . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.	L . Unsubstantiated
M . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.	M . Unsubstantiated

Officer(s)	Allegation	Investigator Recommendation
N . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] [REDACTED] with a business card.	N . Unsubstantiated
O . POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] failed to provide [REDACTED] [REDACTED] with a business card.	O . Substantiated
P . DTS [REDACTED] [REDACTED]	Abuse of Authority: Detective [REDACTED] [REDACTED] failed to provide [REDACTED] [REDACTED] with a business card.	P . Alleged Victim Uncooperative
Q . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] [REDACTED] with a business card.	Q . Alleged Victim Uncooperative
R . POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] refused to provide his name to [REDACTED] [REDACTED]	R . Unsubstantiated
S . POM [REDACTED] [REDACTED]	Abuse of Authority: Police Officer [REDACTED] [REDACTED] refused to provide his shield number to [REDACTED] [REDACTED]	S . Unsubstantiated
T . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk refused to provide his name to [REDACTED] [REDACTED]	T . Unsubstantiated
U . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk refused to provide his shield number to [REDACTED] [REDACTED]	U . Unsubstantiated
V . POM [REDACTED] [REDACTED]	Other: Police Officer [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.	V . Other Misconduct
W . DTS [REDACTED] [REDACTED]	Other: Detective [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.	W . Other Misconduct
X . POM Michael Hawk	Other: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.	X . Other Misconduct
Y . POM [REDACTED] [REDACTED]	Other: Police Officer [REDACTED] [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	Y . Other Misconduct
Z . DTS [REDACTED] [REDACTED]	Other: Detective [REDACTED] [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	Z . Other Misconduct
AA. POM Michael Hawk	Other: Police Officer Michael Hawk improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	AA. Other Misconduct

Case Summary

On April 2, 2019, [REDACTED] [REDACTED] called the CCRB and filed this complaint on behalf of himself and his friend, [REDACTED] [REDACTED]

On March 27, 2019, at approximately 7:52 p.m., Mr. [REDACTED] and Mr. [REDACTED] were sitting inside of Mr. [REDACTED] running vehicle which was parked in a parking lot located at Rockaway Parkway and Seaview Avenue in Brooklyn. PO [REDACTED] PO Michael Hawk, and Det. [REDACTED] of the 69th Precinct stopped Mr. [REDACTED] and Mr. [REDACTED] (**Allegations A, B, C, D, E, and F: Abuse of Authority – exonerated**). PO [REDACTED] frisked Mr. [REDACTED] and Det. [REDACTED] and PO Hawk frisked Mr. [REDACTED] (**Allegations G, H, and I: Abuse of Authority – exonerated**). PO [REDACTED] searched Mr. [REDACTED] vehicle (**Allegation J: Abuse of Authority – exonerated**). Mr. [REDACTED] attempted to film the officers and PO Hawk removed Mr. [REDACTED] cellphone from his hand (**Allegation K: Abuse of Authority – substantiated**). PO [REDACTED] Det. [REDACTED] and PO Hawk did not provide RTKA cards to Mr. [REDACTED] (**Allegations L, M, and N: Abuse of Authority – Unsubstantiated**). PO [REDACTED] did not provide a RTKA card to Mr. [REDACTED] (**Allegation O: Abuse of Authority – substantiated**). Det. [REDACTED] and PO Hawk failed to provide a RTKA card to Mr. [REDACTED] (**Allegations P and Q: Abuse of Authority – alleged victim uncooperative**). Mr. [REDACTED] asked PO [REDACTED] and PO Hawk for their names and shield numbers and neither officer provided the information (**Allegations R, S, T, and U: Abuse of Authority - unsubstantiated**). PO [REDACTED] Det. [REDACTED] and PO Hawk failed to prepare stop and frisk reports as required (**Allegations V, W, and X: Other Misconduct**). PO [REDACTED] Det. [REDACTED] and PO Hawk improperly used their body-worn-camera (**Allegations Y, Z, AA: other misconduct**). No arrests or summonses resulted from this incident.

Mr. [REDACTED] provided a cellphone video of this incident (**Board Review 01**). A summary of the footage can be found in IA 18 (**Board Review 02**). Additionally, BWC footage from PO [REDACTED] (**Board Review 03**), PO Hawk (**Board Review 04**), and Det. [REDACTED] (**Board Review 05**) was obtained and can be found in IAs # 62-64, and summaries of the footage can be found in IA 74 (**Board Review 06**).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer [REDACTED] [REDACTED] stopped [REDACTED]

Allegation B – Abuse of Authority: Police Officer [REDACTED] [REDACTED] stopped [REDACTED]

Allegation C – Abuse of Authority: Detective [REDACTED] [REDACTED] stopped [REDACTED] [REDACTED]

Allegation D – Abuse of Authority: Detective [REDACTED] [REDACTED] stopped [REDACTED] [REDACTED]

Allegation E – Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]

Allegation F – Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED] [REDACTED]

Allegation G – Abuse of Authority: Police Officer [REDACTED] [REDACTED] frisked [REDACTED]

Allegation H – Abuse of Authority: Police Officer Michael Hawk frisked [REDACTED] [REDACTED]

Allegation I – Abuse of Authority: Detective [REDACTED] [REDACTED] frisked [REDACTED] [REDACTED]

Allegation J – Abuse of Authority: Police Officer [REDACTED] [REDACTED] searched the vehicle in which [REDACTED] [REDACTED] and [REDACTED] Bristol were occupants.

Mr. [REDACTED] testified that he and Mr. [REDACTED] were seated in Mr. [REDACTED] parked Cadillac SUV for approximately one and a half hours before the officers approached. The car was not running, and neither Mr. [REDACTED] nor Mr. [REDACTED] had marijuana on them or inside of the vehicle. PO [REDACTED] approached the vehicle, told Mr. [REDACTED] that he smelled marijuana, and ordered Mr. [REDACTED] and Mr. [REDACTED] out of the vehicle. PO [REDACTED] patted down Mr. [REDACTED] whole body. Mr. [REDACTED] saw over the vehicle that PO Hawk and Det. [REDACTED] patted down Mr. [REDACTED] however, Mr. [REDACTED] could not see specifically where Mr. [REDACTED] was touched as he was on the passenger side of the vehicle. The officers then brought Mr. [REDACTED] and Mr. [REDACTED] to the back of the vehicle and PO [REDACTED] searched the vehicle **(Board Review 07)**.

Mr. [REDACTED] provided a brief phone statement in which he made no mention of being frisked, but he was otherwise uncooperative with the investigation **(Board Review 18; see IAs for contact attempts)**.

PO [REDACTED] testified that he observed Mr. [REDACTED] vehicle idling for five minutes, which was the violation for which he stopped Mr. [REDACTED] and Mr. [REDACTED] PO [REDACTED] knew the car was idling because, due to the cold weather, he saw smoke emitting from the vehicle's exhaust. PO [REDACTED] did not recognize Mr. [REDACTED] vehicle.

PO Hawk and Det. [REDACTED] were generally consistent in their testimonies that Mr. [REDACTED] vehicle, which was known to them as being involved in prior narcotics transactions, was parked in the parking lot of Seaview Plaza which was known to the officers as a drug-prone location which is a precinct condition that had been discussed during roll calls, and all three officers have been involved in narcotics arrests at the location. The officers approached the parked vehicle to see what the occupants were up to. They did not intend to stop Mr. [REDACTED] and Mr. [REDACTED] at this point.

PO [REDACTED] PO Hawk, and Det. [REDACTED] were consistent in their statements that upon approaching the vehicle, prior to speaking with the occupants, each officer smelled an odor of marijuana emitting from the vehicle. PO [REDACTED] ordered Mr. [REDACTED] out of the vehicle and frisked his entire body. PO Hawk testified that he frisked Mr. [REDACTED] and Det. [REDACTED] recalled frisking someone, but he did not recall if he frisked Mr. [REDACTED] or Mr. [REDACTED] Each officer testified that both occupants' entire bodies were frisked for weapons even though they did not observe any discernible bulges that they were concerned about, and each officer testified that they routinely frisk occupants of vehicles in this manner every time an occupant is removed from a vehicle. PO [REDACTED] searched the entire vehicle, excluding the trunk, for marijuana and found approximately one gram of marijuana in the driver's door of the vehicle **(Board Review 08, 09, 10)**.

PO [REDACTED] BWC footage captures him finding a small ziplock bag of marijuana in the driver's door of the vehicle (beginning at the 01:00 timestamp of the video player, visible at the bottom of the screen) **(Board Review 03)**. At 01:57, Mr. [REDACTED] keys are seen in the ignition of the vehicle, and the vehicle engine is visibly turned on **(Board Review 11)**.

The approach of a parked but running vehicle must be justified by an objective, credible reason, not necessarily indicative of criminality. The intrusion must be predicated on more than a hunch, whim, caprice, or idle curiosity. People v. Grady, 272 A.D.2d 952 (2000) (**Board Review 17**). No person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes. New York City Administrative Code, Title 24, Section 24-163 (**Board Review 12**). The smell of marijuana is sufficient to provide officers with probable cause to search a vehicle and its occupants. People v. Chestnut, 43 A.D.2d 260 (1974) (**Board Review 13**).

Mr. [REDACTED] testimony that his vehicle was not running and that he and Mr. [REDACTED] were sitting in the cold for an hour and a half is undermined by the BWC video which shows his vehicle was running at the time of the stop. Although the officers provided different reasons for their approach of the vehicle, given the BWC video, a preponderance of the evidence supports PO [REDACTED] account that the vehicle was excessively idling, and thus the officers were justified in stopping Mr. [REDACTED] and his vehicle's occupant, Mr. [REDACTED]. Therefore, it is recommended that **Allegations A, B, C, D, E, and F** be closed as **exonerated**.

The officers were all consistent in describing that they detected an odor of marijuana coming from the vehicle as they got near it. The BWC video, which shows that marijuana was found in the driver's side door next to where Mr. [REDACTED] was sitting, contradicted Mr. [REDACTED] account that there was no marijuana in the vehicle and undermines his testimony that the vehicle did not smell of marijuana. Given this evidence, the investigation credits the officers' account that the vehicle smelled of marijuana, and determined that the officers were justified in searching the vehicle and would have been justified in searching the vehicle's occupants. As such, the officers were also justified in performing the alleged and acknowledged less-intrusive frisks of Mr. [REDACTED] and Mr. [REDACTED]. Therefore, it is recommended that **Allegations G, H, I, and J** be closed as **exonerated**.

Allegation K – Abuse of Authority: Police Officer Michael Hawk interfered with [REDACTED] use of a recording device.

Mr. [REDACTED] testified that he took out his cellphone and began recording the officers, at which point PO Hawk shined his flashlight into the camera to block his face. PO Hawk then grabbed Mr. [REDACTED] cellphone and put it into PO Hawk's own pocket. PO Hawk returned Mr. [REDACTED] cellphone when the officers left the location (**Board Review 07**).

Mr. [REDACTED] cellphone video begins with Mr. [REDACTED] speaking directly to the camera, complaining about the officers harassing him. At the 00:10 mark on the video player, visible at the bottom of the screen, the cellphone video turns white and overexposed while PO Hawk shines his flashlight at the camera. Mr. [REDACTED] moves his cellphone and PO Hawk follows the cellphone with his flashlight. Mr. [REDACTED] tells PO Hawk, "Don't try to block to block the uhh... from your face bro" while moving the camera. PO Hawk grabs the phone and the video ends (**Board Review 01**).

PO Hawk's BWC footage captures Mr. [REDACTED] filming PO Hawk as PO Hawk shines his flashlight into the phone [beginning at the 00:09 timestamp of the video player, visible at the bottom of the screen]. The flash of Mr. [REDACTED] phone is turned on. Mr. [REDACTED] moves

his cellphone first up in the air, and then closer to PO Hawk, and PO Hawk's flashlight follows Mr. [REDACTED] cellphone as it moves. At 00:15, PO Hawk extends his arm and attempts to grab Mr. [REDACTED] cellphone, but he is unsuccessful as Mr. [REDACTED] recoils. PO Hawk moves closer to Mr. [REDACTED] and takes the cellphone from his hand (**Board Review 04**). Det. [REDACTED] BWC footage captures the same moment (beginning at the 00:05 timestamp of the video player, visible at the bottom of the screen). PO Hawk moves closer to Mr. [REDACTED] Mr. [REDACTED] cellphone is approximately an arms-length away from PO Hawk when PO Hawk outstretches his whole arm to reach for the phone (**Board Review 05**).

PO Hawk's and Det. [REDACTED] testimonies were generally consistent with each other. Once Mr. [REDACTED] began recording, PO Hawk shined his flashlight at Mr. [REDACTED] cellphone in order to illuminate it because he did not know if Mr. [REDACTED] cellphone "contained a gun or a knife." Neither PO Hawk nor Det. [REDACTED] saw anything specific about Mr. [REDACTED] cellphone that concerned them, but they had a general concern that it may have contained a weapon. After PO Hawk pointed his flashlight at Mr. [REDACTED] camera, Mr. [REDACTED] began moving his cellphone around and put it inches from PO Hawk's face. PO Hawk said he took Mr. [REDACTED] cellphone away from him because of how close Mr. [REDACTED] was putting it to his face, which made him concerned for his safety. Additionally, PO Hawk said Mr. [REDACTED] had the flash of his phone on, which disrupted PO Hawk's vision. PO Hawk put Mr. [REDACTED] phone in his pocket. After PO Hawk reviewed BWC footage during his CCRB interview, he acknowledged that Mr. [REDACTED] was not utilizing the flash on his cellphone and that Mr. [REDACTED] cellphone was further away from him than a few inches, but he maintained that it still posed a safety issue due to the phone potentially being or containing a weapon (**Board Review 09**).

PO [REDACTED] did not recall Mr. [REDACTED] putting his cellphone in PO Hawk's face and he did not remember PO Hawk taking Mr. [REDACTED] cellphone from Mr. [REDACTED] (**Board Review 08**).

Individuals have a right to lawfully observe and record police activity in public places. This right can be limited for reasons such as safety of officers or other members of the public, or when a violation of law is committed by the individual who is observing and recording. NYPD Patrol Guide, Procedure 203-29 (**Board Review 14**).

The video evidence shows that PO Hawk interfered with Mr. [REDACTED] recording by shining his flashlight into Mr. [REDACTED] cellphone camera and by taking Mr. [REDACTED] phone and placing it in his pocket. PO Hawk and Det. [REDACTED] suggested the possibility that the cell phone was either in fact a weapon or concealing a weapon, though neither could provide any specific reason as to why they believed this. PO Hawk took no investigative steps with the phone to confirm his alleged suspicions. He merely put the phone in his pocket and returned it to Mr. [REDACTED] at the conclusion of the incident, still without taking any steps to determine whether it posed a risk to officer safety. PO Hawk said the flash on the phone, which disrupted his vision, and the closeness of the phone to his face were safety concerns. However, the BWC video undermines PO Hawk's account that these conditions existed. Additionally, though Mr. [REDACTED] vehicle was found to have marijuana inside, he was not committing any violations at the time he was recording the officers. Because the officers could not articulate any reasonable

safety concerns, and because Mr. [REDACTED] was not committing any violations when PO Hawk interfered with his use of a recording device, it is therefore recommended that **Allegation K** be closed as **substantiated**.

Allegation L – Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.

Allegation M – Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.

Allegation N – Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.

Allegation O – Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.

Allegation P – Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.

Allegation Q – Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.

Mr. [REDACTED] alleged that PO [REDACTED] PO Hawk, and Det. [REDACTED] failed to offer to provide him or Mr. [REDACTED] with business cards. Mr. [REDACTED] did not request the officers' business cards (**Board Review 07**).

Mr. [REDACTED] provided a brief phone statement, in which he made no mention of these allegations, but he was otherwise uncooperative with the investigation (**Board Review 18; see IAs for contact attempts**).

PO [REDACTED] testified that after he entered the police car and deactivated his BWC, he realized that because he searched Mr. [REDACTED] car, he needed to provide a business card to Mr. [REDACTED]. PO [REDACTED] exited his vehicle and asked Mr. [REDACTED] if he wanted a business card. Mr. [REDACTED] replied, "Fuck you." PO [REDACTED] understood this to mean that Mr. [REDACTED] was refusing the business card. PO [REDACTED] did not offer a business card to Mr. [REDACTED] as his understanding of the Right to Know Act was that he was only required to offer a business card to the driver, Mr. [REDACTED] and not the passenger, Mr. [REDACTED] unless the passenger requested a business card, which he denied Mr. [REDACTED] did. He did not recall if PO Hawk or Det. [REDACTED] provided business cards to Mr. [REDACTED] (**Board Review 08**).

Det. [REDACTED] testified that he went back to the police car, got his business cards, and offered one to Mr. [REDACTED] and Mr. [REDACTED]. Mr. [REDACTED] stated that he was going to write down the information instead of accepting the card. Det. [REDACTED] did not recall if Mr. [REDACTED] wrote down his information. Det. [REDACTED] did not recall if Mr. [REDACTED] took the business card or if he refused it. Det. [REDACTED] stated that PO [REDACTED] and PO Hawk also offered business cards to Mr. [REDACTED] and Mr. [REDACTED] though he did not recall if they accepted the cards (**Board Review 10**).

PO Hawk testified that before leaving the scene, he offered Mr. [REDACTED] and Mr. [REDACTED] business cards; however, Mr. [REDACTED] and Mr. [REDACTED] entered the car without accepting the cards. He did not recall if Det. [REDACTED] and PO [REDACTED] offered cards to Mr. [REDACTED] and Mr. [REDACTED] (**Board Review 09**).

PO Hawks', PO [REDACTED], and Det. [REDACTED] BWC footage captures the officers entering the police car (for example, see PO [REDACTED] BWC footage, beginning at the 3:05 time stamp of the video player visible at the bottom of the screen). Mr. [REDACTED] is screaming profanity at the officers. At no point does the video show any officer offering their business card to Mr. [REDACTED] or Mr. [REDACTED] nor either civilian asking for one. However, the video ends prior to the point in time where the officers say they exited their vehicle and reapproached the civilians to offer them their business cards (**Board Review 03, 04, 05, 06**).

NYC Administrative Code, Section 14-174 states that officers are required to provide members of the public with business cards after law enforcement encounters, including stops, frisks, and vehicle searches, in which no summons is issued or arrest is made (**Board Review 22**).

Absent additional evidence, the investigation was unable to determine if PO [REDACTED] Det. [REDACTED] and PO Hawk offered to provide Mr. [REDACTED] with business cards largely due to the officers' BWC footage concluding prior to the end of the encounter (see allegations Y, Z, and AA). Therefore, it is recommended that **Allegations L, M, and N** be closed as **unsubstantiated**. Given that PO [REDACTED] stopped Mr. [REDACTED] PO [REDACTED] acted improperly by not offering to provide Mr. [REDACTED] with a business card. Therefore, it is recommended that **Allegation O** be closed as **substantiated**.

Because Mr. [REDACTED] was ultimately uncooperative with the investigation and therefore did not confirm nor deny whether any officer offered him a business card, it is recommended that **Allegations P and Q** be closed as **alleged victim uncooperative**.

Allegation R – Abuse of Authority: Police Officer [REDACTED] refused to provide his name to [REDACTED]

Allegation S – Abuse of Authority: Police Officer [REDACTED] refused to provide his shield number to [REDACTED]

Allegation T – Abuse of Authority: Police Officer Michael Hawk refused to provide his name to [REDACTED]

Allegation U – Abuse of Authority: Police Officer Michael Hawk refused to provide his shield number to [REDACTED]

Mr. [REDACTED] and Det. [REDACTED] were consistent in their statements that while PO [REDACTED] was searching Mr. [REDACTED] vehicle, Mr. [REDACTED] asked Det. [REDACTED] for his name and shield number, and Det. [REDACTED] verbally provided the requested information to Mr. [REDACTED]. However, Mr. [REDACTED] alleged that as PO [REDACTED] PO Hawk, and Det. [REDACTED] were leaving and walking to their car, he called out to them, "I need your guys' names and badge numbers," and the officers did not respond before leaving the location.

Mr. [REDACTED] provided a brief phone statement, in which he made no mention of these allegations, but he was otherwise uncooperative with the investigation (**Board Review 18; see IAs for contact attempts**).

Det. [REDACTED] testified that Mr. [REDACTED] requested PO [REDACTED] and PO Hawk's names and shield numbers, and that each officer verbally provided their own information. PO Hawk denied

that Mr. ██████ requested any officers' name or shield number. PO ██████ testified that Mr. ██████ did not request his name and shield number, and that he did not recall if Mr. ██████ requested the names and shield numbers of the other officers. PO ██████ did not recall PO Hawk or Det. ██████ providing their names and shield numbers (**Board Review 08, 09, 10**).

PO ██████, Det. ██████ and PO Hawk's BWC footage does not show Mr. ██████ requesting the officers' names or shield numbers. However, the video ends prior to the point in time where the officers say they exited their vehicle and reapproached the civilians to offer them their business cards (**Board Review 03, 04, 05, 06**).

It is unclear if Mr. ██████ request for the officer's information occurred before or after the officers entered their car to obtain their business cards because the officers deactivated their BWC at that point (see allegations Y, Z, and AA). Absent additional evidence, the investigation could not determine if PO ██████ and PO Hawk refused to provide their names and shield numbers to Mr. ██████. Therefore, it is recommended that **Allegations R, S, T, U** be closed as **unsubstantiated**.

Allegation V – Other Misconduct: Police Officer ██████ failed to prepare a stop and frisk report as required.

Allegation W – Other Misconduct: Detective ██████ failed to prepare a stop and frisk report as required.

Allegation X – Other Misconduct: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.

It is undisputed that no Stop, Question, and Frisk Reports were prepared for Mr. ██████ and Mr. ██████ despite them being stopped and frisked, and that neither were arrested nor summonsed as a result of this incident.

The Department Advocates' Office confirmed that no Stop, Question, and Frisk reports were prepared in relation to this incident (**Board Review 23**).

NYPD Patrol Guide, Procedure 212-11 states that officers are required to prepare a stop report for each person stopped in a level three encounter (**Board Review 19**).

Because PO ██████ PO Hawk, and Det. ██████ stopped and frisked Mr. ██████ and Mr. ██████ and failed to prepare Stop, Question, and Frisk Reports as required, it is recommended that they be cited for **other misconduct**.

Allegation Y – Other Misconduct: Police Officer ██████ improperly used his body-worn-camera.

Allegation Z – Other Misconduct: Detective ██████ improperly used his body-worn-camera.

Allegation AA – Other Misconduct: Police Officer Michael Hawk improperly used his body-worn-camera.

PO ██████ Det. ██████ and PO Hawk each testified to approaching Mr. ██████ vehicle, removing Mr. ██████ and Mr. ██████ frisking them (See allegations A-F), and escorting

them to the back of the vehicle, at which point the officers then activated their BWC. PO [REDACTED] Det. [REDACTED] and Det. Hawk deactivated their BWC upon reentering their vehicle; however, each officer testified to exiting their vehicle to offer Mr. [REDACTED] and Mr. [REDACTED] business cards, which is not captured on body worn cameras.

NYPD Patrol Guide, Procedure 212-123 states that officers must activate their BWC prior to engaging in stops. Recordings must begin prior to the stop, and officers must continue recording until the investigative, enforcement, or other police action is concluded (**Board Review 21**).

Given that PO [REDACTED] PO [REDACTED] and PO Hawk did not activate their BWC prior to stopping Mr. [REDACTED] vehicle, and that they testified to interacting with Mr. [REDACTED] and Mr. [REDACTED] after deactivating their BWC, it is recommended that they be cited for **other misconduct**.

Civilian and Officer CCRB Histories

- This is the third CCRB complaint to which Mr. [REDACTED] has been a party.
 - CCRB case 200305463 involved an allegation of Force – Gun Pointed, which was closed as Exonerated, and allegations of Force – Physical Force, Abuse of Authority – Threat of force, and Discourtesy – Word, which were closed as unsubstantiated.
 - CCRB case 200408457 involved an allegation of Force – Physical Force, and was closed as complainant uncooperative (**Board Review 15**).
- This is the second CCRB complaint to which Mr. [REDACTED] has been a party.
 - CCRB case 9902309 involved an allegation of Discourtesy – Nasty Words and was closed as complainant uncooperative (**Board Review 15**).
- PO [REDACTED] has been a member-of-service for four years and has been a subject in seven additional CCRB complaints and 17 allegations, one of which was substantiated. PO [REDACTED] CCRB history does not reflect a pattern pertinent to this investigation.
 - 201807315 involved a substantiated allegation of Discourtesy - Word. The board recommended command level instructions and the NYPD has not yet imposed discipline.
- Det. [REDACTED] has been a member-of-service for 11 years and has been a subject in 14 additional CCRB complaints, and 38 allegations, none of which have been substantiated. Det. [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Hawk has been a member-of-service for three years and has been a subject in 13 additional CCRB complaints, and 13 allegations, none of which have been substantiated. PO Hawk's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- Mr. [REDACTED] declined to mediate this complaint.
- As of July 10, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 16**).
- According to the Office of Court Administration ("OCA"), between 1994 and 2019, Mr. [REDACTED] was convicted of one count of aggravated harassment in the second degree, one count of petit larceny, two counts of criminal sale of marijuana in the fourth degree, two counts of

criminal sale of marijuana in the fifth degree, one sale of criminal [REDACTED] of a forged instrument in the third degree, one count of attempted robbery in the second degree, one count of menacing in the first degree, and two counts of criminal [REDACTED] of a controlled substance in the seventh degree, and Mr. [REDACTED] received varying amounts of imprisonment, license suspensions, and fines. OCA does not list any other convictions (**Board Review 20**).

- According to OCA, between 2005 and 2019, Mr. [REDACTED] was convicted of one count of attempted robbery in the second degree, and one count of false personation, and Mr. [REDACTED] received varying amounts of imprisonment and probation. OCA does not list any other convictions (**Board Review 20**).

Squad No.: 13

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #13	CCRB Case #: 201902964	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sat, 03/30/2019 10:38 PM	Location of Incident: ██████████ 43rd Street	Precinct: 67	18 Mo. SOL 09/30/2020	EO SOL 5/17/2021	
Date/Time CV Reported Sun, 03/31/2019 10:55 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/05/2019 11:15 AM		

Complainant/Victim	Type	Home Address
1. ██████████	Comp/Victim	65 East 10th Street PH Brooklyn NY 11218
2. ██████████	Victim	201 East 43rd Street Brooklyn NY 11203

Subject Officer(s)	Shield	TaxID	Command
1. POM ██████████	██████████	██████████	██████████
2. POM Michael Hawk	01338	960645	069 PCT
3. DTS ██████████	██████████	██████████	██████████
4. SGT ██████████	██████████	██████████	██████████

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM ██████████	██████████	██████████	██████████

Officer(s)	Allegation	Investigator Recommendation
A . POM ██████████	Abuse of Authority: Police Officer ██████████ stopped ██████████	A . Exonerated
B . DTS ██████████	Abuse of Authority: Detective ██████████ stopped ██████████	B . Exonerated
C . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk stopped ██████████	C . Exonerated
D . POM ██████████	Abuse of Authority: Police Officer ██████████ stopped ██████████	D . Exonerated
E . DTS ██████████	Abuse of Authority: Detective ██████████ stopped ██████████	E . Exonerated
F . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk stopped ██████████	F . Exonerated
G . POM ██████████	Abuse of Authority: Police Officer ██████████ frisked ██████████	G . Unsubstantiated
H . POM ██████████	Abuse of Authority: Police Officer ██████████ searched ██████████	H . Unsubstantiated
I . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk frisked ██████████	I . Unsubstantiated
J . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk searched ██████████	J . Unsubstantiated
K . DTS ██████████	Abuse of Authority: Detective ██████████ searched the vehicle in which ██████████ and ██████████ were occupants.	K . Unsubstantiated
L . DTS ██████████	Abuse of Authority: Detective ██████████ searched ██████████	L . Unsubstantiated

Officer(s)	Allegation	Investigator Recommendation
M . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] searched [REDACTED]	M . Unsubstantiated
N . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk searched the vehicle in which [REDACTED] and [REDACTED] were occupants.	N . Unsubstantiated
O . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk searched [REDACTED]	O . Unsubstantiated
P . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] refused to provide his name to [REDACTED]	P . Unsubstantiated
Q . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.	Q . Substantiated
R . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.	R . Substantiated
S . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.	S . Unsubstantiated
T . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.	T . Unsubstantiated
U . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.	U . Unsubstantiated
V . DTS [REDACTED]	Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.	V . Unsubstantiated
W . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] failed to provide [REDACTED] with a business card.	W . Unsubstantiated
X . POM [REDACTED]	Other: Police Officer [REDACTED] failed to prepare a memo book entry as required.	X . Other Misconduct
Y . POM Michael Hawk	Other: Police Officer Michael Hawk failed to prepare a memo book entry as required.	Y . Other Misconduct
Z . DTS [REDACTED]	Other: Detective [REDACTED] failed to prepare a memo book entry as required.	Z . Other Misconduct
AA. SGT [REDACTED]	Other: Sergeant [REDACTED] failed to prepare a memo book entry as required.	AA. Other Misconduct
AB. POM [REDACTED]	Other: Police Officer [REDACTED] failed to prepare a stop and frisk report as required.	AB. Other Misconduct
AC. DTS [REDACTED]	Other: Detective [REDACTED] failed to prepare a stop and frisk report as required.	AC. Other Misconduct
AD. POM Michael Hawk	Other: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.	AD. Other Misconduct
AE. POM [REDACTED]	Other: Police Officer [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	AE. Other Misconduct
AF. POM Michael Hawk	Other: Police Officer Michael Hawk improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	AF. Other Misconduct
AG. DTS [REDACTED]	Other: Detective [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	AG. Other Misconduct

Case Summary

On March 31, 2019, Ms. [REDACTED] filed this complaint over the phone with IAB on behalf of herself and her boyfriend, Mr. [REDACTED]. On April 4, 2019, the CCRB received the complaint via log #19-12946.

On March 30, 2019, at approximately 10:38 p.m., Ms. [REDACTED] and Mr. [REDACTED] were sitting inside of Mr. [REDACTED] vehicle, parked in front of Mr. [REDACTED] driveway of his home, located at 201 East 43rd Street in Brooklyn. PO [REDACTED] PO Michael Hawk, and Det. [REDACTED] of the 69th Precinct stopped Mr. [REDACTED] and Ms. [REDACTED] (**Allegations A, B, C, D, E, and F: Abuse of Authority – exonerated**). PO [REDACTED] frisked and searched Mr. [REDACTED] (**Allegations G and H: Abuse of Authority – unsubstantiated**). PO Hawk frisked and searched Ms. [REDACTED] (**Allegation I and J: Abuse of Authority – unsubstantiated**). Det. [REDACTED] searched Mr. [REDACTED] vehicle (**Allegation K: Abuse of Authority – unsubstantiated**). Det. [REDACTED] and Sgt. Terrance [REDACTED] of the 69th Precinct searched Ms. [REDACTED] (**Allegations L and M: Abuse of Authority – unsubstantiated**). PO Hawk searched Mr. [REDACTED] vehicle and Ms. [REDACTED] purse (**Allegations N and O: Abuse of Authority – unsubstantiated**). Det. [REDACTED] refused to provide his name to Mr. [REDACTED] (**Allegation P: Abuse of Authority – unsubstantiated**).

PO [REDACTED] failed to offer a business card to Ms. [REDACTED] and Mr. [REDACTED] (**Allegations Q and R: Abuse of Authority – substantiated**). PO Hawk and Det. [REDACTED] failed to offer business cards to Mr. [REDACTED] and Ms. [REDACTED] (**Allegations S, T, U, and V: Abuse of Authority – unsubstantiated**). Sgt. [REDACTED] failed to offer a business card to Ms. [REDACTED] (**Allegation W: Abuse of Authority – unsubstantiated**). PO [REDACTED] Det. [REDACTED] PO Hawk, and Sgt. [REDACTED] failed to prepare memo book entries as required (**Allegations X, Y, Z, and AA: Other Misconduct**). PO [REDACTED] Det. [REDACTED] and PO Hawk failed to prepare stop and frisk reports as required (**Allegations AB, AC, and AD: Other Misconduct**). PO [REDACTED] Det. [REDACTED] and PO Hawk improperly used their body-worn-cameras (**Allegations AE, AF, and AG: other misconduct**). No arrests or summonses resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]

Allegation B – Abuse of Authority: Detective [REDACTED] stopped [REDACTED]

Allegation C – Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]

Allegation D – Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]

Allegation E – Abuse of Authority: Detective [REDACTED] stopped [REDACTED]

Allegation F – Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]

Mr. [REDACTED] and Ms. [REDACTED] both alleged that Mr. [REDACTED] vehicle was parked in front of Mr. [REDACTED] driveway when the officers stopped their police car next to Mr. [REDACTED] vehicle, exited their police car, and approached Mr. [REDACTED] vehicle with their flashlights turned on. PO [REDACTED] ordered Mr. [REDACTED] to produce his license and registration, which Mr. [REDACTED] provided immediately (**Board Review 01, 02**).

PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] all said Mr. [REDACTED] vehicle was parked in the lane of traffic which was a violation. As they attempted to drive by, they smelled marijuana coming from the vehicle (See Allegations D-M below). PO [REDACTED] and PO Hawk both said Mr. [REDACTED] vehicle was also blocking a driveway. Det. [REDACTED] did not recall if Mr. [REDACTED] vehicle was blocking a driveway. PO [REDACTED] wanted to inquire as to whether the driveway belonged to Mr. [REDACTED] (**Board Review 03, 04, 05, 06**).

NYC Department of Transportation Traffic Rules and Regulations, Section 4-08 states that no person shall park in front of a public or private driveway, except that it shall be permissible for the owner, lessor, or leasee of the lot accessed by a private driveway to park a passenger vehicle registered to him/her at that address in front of such driveway (**Board Review 07**).

Absent additional evidence, the investigation was unable to determine if Mr. [REDACTED] vehicle was blocking traffic. However, given that Mr. [REDACTED] vehicle was parked on the street blocking a driveway, the officers were justified in stopping Mr. [REDACTED] and Ms. [REDACTED] to determine if Mr. [REDACTED] vehicle was parked improperly. Therefore, it is recommended that **Allegations A, B, C, D, E, and F** be closed as **exonerated**.

Allegation G – Abuse of Authority: Police Officer [REDACTED] frisked [REDACTED]

Allegation H – Abuse of Authority: Police Officer [REDACTED] searched [REDACTED]

Allegation I – Abuse of Authority: Police Officer Michael Hawk frisked [REDACTED]

Allegation J – Abuse of Authority: Police Officer Michael Hawk searched [REDACTED]

Allegation K – Abuse of Authority: Detective [REDACTED] searched the vehicle in which [REDACTED] and [REDACTED] were occupants.

Allegation L – Abuse of Authority: Detective [REDACTED] searched [REDACTED]

Allegation M – Abuse of Authority: Sergeant [REDACTED] searched [REDACTED]

Allegation N – Abuse of Authority: Police Officer Michael Hawk searched the vehicle in which [REDACTED] and [REDACTED] were occupants.

Allegation O – Abuse of Authority: Police Officer Michael Hawk searched [REDACTED]

Mr. [REDACTED] and Ms. [REDACTED] both said at some point after ordering Mr. [REDACTED] to produce his identification, PO [REDACTED] told them that he observed “weed sprayed all around the car.” Both Mr. [REDACTED] and Ms. [REDACTED] denied having marijuana or smoking marijuana inside of the vehicle. Neither Mr. [REDACTED] nor Ms. [REDACTED] specified if they had smoked marijuana at any point during the day or if their clothes smelled. Mr. [REDACTED] and Ms. [REDACTED] were uncooperative with subsequent contact attempts to obtain additional information about this aspect of the incident (See IAs for contact attempts).

Mr. [REDACTED] testified that PO [REDACTED] ordered Mr. [REDACTED] to step out of the vehicle and he complied. PO [REDACTED] patted Mr. [REDACTED] down along the front and side of his torso, his jacket pockets, front and rear pants pockets, and down his legs. PO [REDACTED] removed Mr. [REDACTED] wallet from one of the rear pockets of Mr. [REDACTED] pants. PO [REDACTED] escorted Mr. [REDACTED] to the rear of the vehicle. PO Hawk ordered Ms. [REDACTED] to step out of the vehicle. Mr. [REDACTED] heard Ms. [REDACTED] scream “stop,” and “don’t touch me,” but could not see what was happening as PO Hawk and Ms. [REDACTED] were on the other side of the vehicle.

Ms. [REDACTED] testified that PO Hawk ordered her to exit the vehicle and she complied. PO Hawk patted Ms. [REDACTED] right jacket pocket. He reached his hand into her right jacket pocket, and through the pocket, patted down her groin area, over her pants. Ms. [REDACTED] screamed that was not her pocket, and that he was touching her “private area.” Det. [REDACTED] and another officer, identified by the investigation as Sgt. [REDACTED] approached Ms. [REDACTED] and turned out her jacket pockets. The only item contained in Ms. [REDACTED] jacket pockets were her keys. Det. [REDACTED] told Ms. [REDACTED] that because she was shaking, they suspected her of possessing a firearm. Ms. [REDACTED] did not see PO [REDACTED] frisk or search Mr. [REDACTED]

Mr. [REDACTED] testified that after Ms. [REDACTED] exited the car, Det. [REDACTED] entered the car. Mr. [REDACTED] could not see specifically where Det. [REDACTED] searched the vehicle, but observed his

flashlight moving around the vehicle, both in the front and in the rear of the vehicle. Det. [REDACTED] was inside of the vehicle for approximately two minutes. Ms. [REDACTED] did not recall Mr. [REDACTED] vehicle being searched and believed that the officers only peered inside of it from outside.

PO [REDACTED] PO Hawk, and Det. [REDACTED] all said that as they attempted to drive by Mr. [REDACTED] vehicle, they smelled an odor of marijuana coming from the vehicle. While PO [REDACTED] was standing near the driver's window speaking with Mr. [REDACTED] and while PO Hawk was walking to the passenger side of the vehicle, both officers observed remnants of marijuana, specifically small, green pieces that appeared to have fallen out of a marijuana cigarette or pipe as it was being prepared, "scattered" in the front center console of the car near the gear shifter. PO Hawk also said he observed a marijuana cigarette in the cup holder. Det. [REDACTED] did not recall if any marijuana was found inside of the vehicle.

PO [REDACTED] testified that he ordered Mr. [REDACTED] to step out of the vehicle and frisked him for weapons. He did not observe any specific bulges that he was concerned about, but stated that he always conducts frisks whenever he asks someone to step out of a vehicle. PO [REDACTED] denied entering Mr. [REDACTED] pockets.

PO Hawk testified that once Ms. [REDACTED] was out of the vehicle, she kept one of her hands inside of her jacket pocket. PO Hawk did not observe any specific bulges that concerned him; however, Ms. [REDACTED] jacket was large and fell past her knees, which prevented him from seeing any potential bulges. PO Hawk frisked Ms. [REDACTED] jacket, around her waist, and her jacket pocket where her hand was and felt that her hand was clenched. Ms. [REDACTED] pulled away and told PO Hawk not to touch her. PO Hawk ordered her to remove her hand from her pocket and she refused. Ms. [REDACTED] refusal to remove her hand from her pocket made PO Hawk fear that she may have been concealing a firearm. Sgt. [REDACTED] who had been driving behind the officers in a separate car to get food with them, had been sitting in his car up until this point. PO Hawk called Det. [REDACTED] and Sgt. [REDACTED] over for assistance. As Sgt. [REDACTED] and Det. [REDACTED] spoke to Ms. [REDACTED] PO Hawk walked away from Ms. [REDACTED] Either Sgt. [REDACTED] or Det. [REDACTED] convinced Ms. [REDACTED] to remove her hand from her pocket, and PO Hawk observed loose marijuana in her hand.

PO [REDACTED] denied entering Mr. [REDACTED] pockets and did not observe any officers reach inside of Ms. [REDACTED] pockets. Sgt. [REDACTED] and PO Hawk did not reach inside of Ms. [REDACTED] or Mr. [REDACTED] pockets nor did they see any other officer do so. Det. [REDACTED] did not recall if Ms. [REDACTED] or Mr. [REDACTED] pockets were searched.

After PO Hawk observed the marijuana inside of Ms. [REDACTED] pocket, he entered Mr. [REDACTED] vehicle and searched Ms. [REDACTED] purse, which contained additional marijuana. PO Hawk examined the loose marijuana spread around the gear shift area of the vehicle and observed marijuana joints in the cup holder. This was the extent of PO Hawk's search of Mr. [REDACTED] vehicle. He did not believe any other officer searched the vehicle. PO [REDACTED] did not testify to PO Hawk searching Mr. [REDACTED] vehicle (The civilians did not allege that PO Hawk searched the vehicle, and PO [REDACTED] was interviewed prior to PO Hawk acknowledging doing so). PO [REDACTED] testified that Det. [REDACTED] searched Mr. [REDACTED] vehicle through the driver's door and did not recall if he went through any other doors. Det. [REDACTED] recovered one or two small bags of marijuana from the cup holders. Det. [REDACTED] denied searching Mr. [REDACTED] vehicle. Sgt. [REDACTED] did not see the vehicle be searched.

PO [REDACTED] Det. [REDACTED] PO Hawk, and Sgt. [REDACTED] all said they used their discretion and decided not confiscate the marijuana, issue any summonses, or make any arrests pursuant to this incident.

Although it is disputed whether PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] searched Mr. [REDACTED] and Ms. [REDACTED] had the vehicle contained marijuana, the officers would have been justified in taking all the actions they were alleged to have taken. However, absent additional evidence, including clarifying information from Mr. [REDACTED] and Ms. [REDACTED] the investigation could not determine if Mr. [REDACTED] and Ms. [REDACTED] were in [REDACTED] of marijuana. It is therefore recommended that **Allegations G, H, I, J, K, L, M, N, and O** be closed as **unsubstantiated**.

Allegation P – Abuse of Authority: Detective [REDACTED] [REDACTED] refused to provide his name to [REDACTED].

Mr. [REDACTED] alleged that after Det. [REDACTED] searched his vehicle, he approached Mr. [REDACTED] and told him that there was marijuana “sprayed all over the car.” Mr. [REDACTED] asked for Det. [REDACTED] name. Det. [REDACTED] did not acknowledge Mr. [REDACTED] question. Ms. [REDACTED] did not allege mention Mr. [REDACTED] requesting Det. [REDACTED] name.

Det. [REDACTED] and PO [REDACTED] could not recall if Mr. [REDACTED] requested Det. [REDACTED] name, nor did they recall Det. [REDACTED] providing his name to Mr. [REDACTED]. PO Hawk did not hear Mr. [REDACTED] request Det. [REDACTED] name nor did he recall Det. [REDACTED] providing his name to Mr. [REDACTED]. Sgt. [REDACTED] denied that Mr. [REDACTED] requested Det. [REDACTED] name and he did not hear Det. [REDACTED] provide his name to Mr. [REDACTED].

Absent additional evidence, the investigation could not determine if Det. [REDACTED] refused to provide his name to Mr. [REDACTED]. Therefore, it is recommended that **Allegation P** be closed as **unsubstantiated**.

Allegation Q – Abuse of Authority: Police Officer [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.

Allegation R – Abuse of Authority: Police Officer [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.

Allegation S – Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.

Allegation T – Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.

Allegation U – Abuse of Authority: Detective [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.

Allegation V – Abuse of Authority: Detective [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.

Allegation W – Abuse of Authority: Sergeant [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.

Ms. [REDACTED] and Mr. [REDACTED] both alleged that none of the officers offered them business cards. (The investigation determined that Sgt. [REDACTED] arrived to the location after PO [REDACTED]. Det. [REDACTED] and PO Hawk stopped Mr. [REDACTED] and after PO [REDACTED] frisked and allegedly searched Mr. [REDACTED]. Therefore, this allegation has not been pled against Sgt. [REDACTED] in regards to Mr. [REDACTED].

Det. [REDACTED] said he forgot to provide Mr. [REDACTED] and Ms. [REDACTED] with business cards. PO [REDACTED] had his business cards on him, but forgot to provide them. PO [REDACTED] did not recall if any other officer did so. Det. [REDACTED] and PO Hawk did not recall if they or any officers offered business cards to Mr. [REDACTED] or Ms. [REDACTED].

Sgt. [REDACTED] said he offered Ms. [REDACTED] a business card and she refused it. He did not offer one to

Mr. [REDACTED] as he arrived after the vehicle was stopped to calm Ms. [REDACTED] down, and did not have any interaction with Mr. [REDACTED]. Sgt. [REDACTED] did not know if PO [REDACTED] PO Hawk, or Det. [REDACTED] offered Ms. [REDACTED] and Mr. [REDACTED] business cards, but stated that he left the location before the other officers left.

NYC Administrative Code, Section 14-174 states that officers are required to provide members of the public with business cards after law enforcement encounters, including stops, frisks, and vehicle searches, in which no summons is issued or arrest is made (**Board Review 08**).

Given that PO [REDACTED] stopped Mr. [REDACTED] and Ms. [REDACTED] frisked Mr. [REDACTED] and ultimately did not arrest or summons them, PO [REDACTED] was obligated to offer a business card to Mr. [REDACTED] and Ms. [REDACTED] and acknowledged that he failed to do so. Therefore, it is recommended that **Allegations Q and R** be closed as **substantiated**.

Absent additional evidence, the investigation could not determine if PO Hawk and Det. [REDACTED] offered business cards to Mr. [REDACTED] or Ms. [REDACTED] or if Sgt. [REDACTED] offered a business card to Ms. [REDACTED]. Therefore, it is recommended that **Allegations S, T, U, V, and W** be closed as **unsubstantiated**.

Allegation X – Other Misconduct: Police Officer [REDACTED] [REDACTED] failed to prepare a memo book entry as required.

Allegation Y – Other Misconduct: Police Officer Michael Hawk failed to prepare a memo book entry as required.

Allegation Z – Other Misconduct: Detective [REDACTED] [REDACTED] failed to prepare a memo book entry as required.

Allegation AA – Other Misconduct: Sergeant [REDACTED] [REDACTED] failed to prepare a memo book entry as required.

PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] did not prepare memo book entries regarding this incident (**Board Review 09**). PO [REDACTED] stated that he did not prepare a memo book entry because he forgot, and because he typically only prepares memo book entries for car stops when they result in summonses or arrests. Det. [REDACTED] stated that he did not prepare a memo book entry because the incident was not a violent crime. PO Hawk and Sgt. [REDACTED] did not provide a reason for not preparing memo book entries.

NYPD Patrol Guide, Procedure 212-08 states that all uniformed members of service, except members performing permanent administrative or clerical duties, are required to make entries in their memo books regarding tasks performed during their tour (**Board Review 10**).

Given that PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] acknowledged their participation in this incident, but they did not prepare memo book entries in regards to this incident, it is recommended that they be cited for **other misconduct**.

Allegation AB – Other Misconduct: Police Officer [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.

Allegation AC – Other Misconduct: Detective [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.

Allegation AD – Abuse of Authority: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.

As per the officers and a negative Department Advocate's Office ("DAO") request for Stop Question and Frisk Reports, no Stop, Question, and Frisk Reports were prepared for Mr. [REDACTED] and Ms. [REDACTED] despite them being stopped and frisked (**Board Review 11**). Neither Mr. [REDACTED]

nor Ms. [REDACTED] were arrested nor summonsed as a result of this incident.

NYPD Patrol Guide, Procedure 212-11 states that officers are required to prepare a stop report for each person stopped in a level three encounter (**Board Review 12**).

Because PO [REDACTED] Det. [REDACTED] and PO Hawk stopped and frisked Mr. [REDACTED] and Ms. [REDACTED] and failed to prepare Stop, Question, and Frisk Reports as required, it is recommended that they be cited for **other misconduct**.

Allegation AE – Other Misconduct: Police Officer [REDACTED] [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

Allegation AF – Other Misconduct: Police Officer Michael Hawk improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

Allegation AG – Other Misconduct: Detective [REDACTED] [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

PO [REDACTED] Det. [REDACTED] and PO Hawk each testified to stopping Mr. [REDACTED] vehicle, though none of the officers activated their BWC during the incident. Det. [REDACTED] testified that he did not activate his BWC because it was not a violent crime. PO Hawk testified that he believed that his BWC's battery was dead as his tour was extended. PO [REDACTED] did not provide a justification for not activating his BWC. (The NYPD BWC Deployment Roster from March 28, 2019 shows that Sgt. [REDACTED] was not assigned a BWC during this incident, so this allegation has not been pled to him (**Board Review 13**).)

NYPD Patrol Guide, Procedure 212-123 states that officers must activate their BWC prior to engaging in vehicle stops. Recordings must begin prior to the stop, and officers must continue recording until the investigative, enforcement, or other police action is concluded (**Board Review 14**).

Given that PO [REDACTED] Det. [REDACTED] and PO Hawk did not activate their BWC during this incident, it is recommended that they be cited for **other misconduct**.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which Ms. [REDACTED] and Mr. [REDACTED] have been a party (**Board Review 15**).
- PO [REDACTED] has been a member-of-service for four years and has been a subject in seven additional CCRB complaints and 18 allegations, one of which was substantiated. PO [REDACTED] CCRB history does not reflect a pattern pertinent to this investigation.
 - 201807315 involved a substantiated allegation of Discourtesy - Word. The Board recommended command level instructions and the NYPD has not yet imposed discipline.
- Det. [REDACTED] has been a member-of-service for 11 years and has been a subject in 14 additional CCRB complaints, and 34 allegations, none of which have been substantiated. Det. [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Hawk has been a member-of-service for three years and has been a subject in five additional CCRB complaints, and 13 allegations, none of which have been substantiated. PO Hawk's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Sgt. [REDACTED] has been a member-of-service for eight years and has been a subject in nine additional CCRB complaints, and 13 allegations, none of which have been substantiated. Sgt. [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- Mr. [REDACTED] declined to mediate this complaint.
 - As of August 2, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to incident (**Board Review 16**).
 - According to the Office of Court Administration (OCA), Ms. [REDACTED] and Mr. [REDACTED] have no history of convictions in New York City (**Board Review 17**).
-

Squad No.: 13

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Guzman	Team: Squad #4	CCRB Case #: 201906319	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tue, 07/02/2019 4:30 PM	Location of Incident: [REDACTED] Avenue K	Precinct: 69	18 Mo. SOL 01/02/2021	EO SOL 8/19/2021	
Date/Time CV Reported Wed, 07/17/2019 10:10 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/17/2019 10:10 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	1129 East 81st Street Top Floor Brooklyn NY 11236
2. [REDACTED]	Victim	1375 East 87th Street Apt. 2 Brooklyn NY 11236

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Hawk	01338	960645	101 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM [REDACTED]	14960	957611	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Michael Hawk	Force: Police Officer Michael Hawk used physical force against [REDACTED]	A . Substantiated

Case Summary

On July 17, 2019, [REDACTED] [REDACTED] contacted the CCRB via on-line website and filed this complaint.

On July 2, 2019, at approximately 4:30 p.m., 21-year-old Tavion [REDACTED] and his 16-year-old friend, [REDACTED] [REDACTED] were sitting on a bench in front of P.S. 276, located at the corner of East 83rd Street and Avenue K in Brooklyn. PO Michael Hawk and PO [REDACTED] [REDACTED] from the 69th Precinct, drove up towards the bench in an unmarked car. PO Hawk forcibly brought Mr. [REDACTED] to the ground and handcuffed him (**Allegation A: Force, substantiated**).

Mr. [REDACTED] and Mr. [REDACTED] were removed to the 69th Precinct stationhouse. Mr. [REDACTED] and Mr. [REDACTED] were released with summonses for unlawful [REDACTED] of marijuana (BR 08). Mr. [REDACTED] was treated by EMS while at the stationhouse and was removed to Brookdale Hospital Medical Center. Mr. [REDACTED] sustained multiple serious injuries which are discussed below in greater detail.

There are seven body-worn camera recordings of this incident. The NYPD refused to provide all but one of the recordings because Mr. [REDACTED] who is a minor and was uncooperative with the investigation, did not sign an unsealing order (BR 01). The body-worn camera recording that was provided to the investigation begins after Mr. [REDACTED] is handcuffed.

This case was mentioned during the September 12, 2019 CCRB Board Meeting.

Findings and Recommendations

Allegation (A) Force: Police Officer Michael Hawk used physical force against [REDACTED]

It is undisputed that PO Hawk forcibly took Mr. [REDACTED] to the ground.

Mr. [REDACTED] (BR 02) stated that he and Mr. [REDACTED] sat and socialized on a bench in front of P.S. 276. Neither Mr. [REDACTED] nor Mr. [REDACTED] smoked marijuana. Neither Mr. [REDACTED] nor Mr. [REDACTED] were in [REDACTED] of marijuana. Approximately 10 minutes later, PO Hawk and PO [REDACTED] drove towards the bench in an unmarked black sedan. Mr. [REDACTED] stood up and ran. Mr. [REDACTED] also stood up but did not run. PO Hawk wrapped his arms around Mr. [REDACTED] waist, lifted him up, and slammed him down to the ground. Mr. [REDACTED] did not remember in detail how he was slammed to the ground because it happened very fast. Mr. [REDACTED] forehead touched the ground first. Mr. [REDACTED] left leg turned underneath him, and he fell on the left side of his body. PO Hawk put his body weight on Mr. [REDACTED] while Mr. [REDACTED] lay on the ground. Mr. [REDACTED] was turned onto his stomach, but he did not know how this occurred. PO Hawk placed Mr. [REDACTED] hands behind his back and handcuffed him. PO Hawk then lifted Mr. [REDACTED] off the ground and placed him in the unmarked car. Mr. [REDACTED] was transported to the 69th Precinct stationhouse. Mr. [REDACTED] was offered medical attention at the stationhouse. EMS arrived and removed Mr. [REDACTED] to Brookdale Hospital Medical Center.

Mr. [REDACTED] medical records (BR 04) from Brookdale Hospital Medical Center document that Mr. [REDACTED] sustained abrasions in his right elbow, a laceration on his left foot, an abrasion on his right shoulder, a laceration on the right side of his head, an abrasion to his left knee, an abrasion on his upper forehead, frontal and temporal gyri contusions (brain-bruise), impaired Activities of Daily Living (ADL), gait disorder, functional decline/impaired functional skills, intracranial hemorrhage (brain-bleed), open displaced fracture of first, second, and third metatarsal (foot bones) of the left foot, left foot fracture, foot pain, acute non-intractable headache, subdural hematoma, subarachnoid hemorrhage (brain-bleed), assault, trauma, paraspinal pain on left side of neck, open reduction internal fixation (ORIF) surgery on foot, word-finding difficulty, hematoma on his forehead, laceration to his left foot, and was at a fall/seizure risk with no prior medical history indicating risk of seizure. Mr. [REDACTED] remained in the hospital for six days.

The investigation obtained photographs of Mr. [REDACTED] injuries (BR 03).

Mr. [REDACTED] (BR 05) provided a brief phone statement to the investigation and was uncooperative thereafter. Mr. [REDACTED] stated that he was with Mr. [REDACTED] sitting on a bench. Mr. [REDACTED] looked back and noticed someone exiting a black car. Mr. [REDACTED] told Mr. [REDACTED] "Let's go. We're

out.” Mr. [REDACTED] ran on Avenue K. Mr. [REDACTED] ran “a little bit.” Mr. [REDACTED] noticed that the car had police lights and he stopped running. Mr. [REDACTED] returned to the incident location and saw Mr. [REDACTED] on the ground, unable to walk, and with scratches on his face. Mr. [REDACTED] did not see what occurred with Mr. [REDACTED].

As noted above, the NYPD provided only one body-worn camera recording, which begins after Mr. [REDACTED] is in handcuffs. The NYPD refused to provide the remaining six body-worn camera recordings related to this incident because Mr. [REDACTED] who is a minor and was uncooperative with the investigation, did not sign an unsealing order.

PO Hawk (BR 06) stated that he and PO [REDACTED] were conducting anticrime patrol in an unmarked car in the vicinity of East 83rd Street, between Avenue J and Avenue K. Approximately one week before the incident, a confidential informant told PO Hawk and PO [REDACTED] that a male was selling drugs at the corner of Avenue L and East 83rd Street, and that he carried a firearm. PO Hawk was not provided with a description of the male. The area is also known for kids smoking marijuana. PO Hawk and PO [REDACTED] were travelling with the windows down on East 83rd Street, in the direction of Avenue L. PO Hawk saw Mr. [REDACTED] and Mr. [REDACTED] sitting on a bench approximately fifteen feet away and smoking a marijuana cigarette. PO Hawk determined that they were smoking marijuana because he smelled a strong odor of marijuana coming from Mr. [REDACTED] and Mr. [REDACTED] direction. PO Hawk and PO [REDACTED] decided to approach Mr. [REDACTED] and Mr. [REDACTED] retrieve their identification, check if they had any warrants, and then possibly issue them summons or use their discretion and let them go. PO Hawk did not suspect that either male was the individual referenced by the confidential informant.

PO Hawk and PO [REDACTED] pulled up approximately five feet away from Mr. [REDACTED] and Mr. [REDACTED]. PO Hawk exited the vehicle and said, “Police, stop. Do not move.” Mr. [REDACTED] and Mr. [REDACTED] saw PO Hawk and ran. PO Hawk ordered Mr. [REDACTED] and Mr. [REDACTED] to stop, but they did not comply. PO [REDACTED] pursued Mr. [REDACTED] in the unmarked car because Mr. [REDACTED] ran faster. PO Hawk ran after Mr. [REDACTED] and caught up with Mr. [REDACTED] at the corner of East 83rd Street and Avenue K. PO Hawk wrapped his arms around Mr. [REDACTED] torso from behind. Mr. [REDACTED] resisted by pulling and pushing away from PO Hawk’s chest. PO Hawk told Mr. [REDACTED] to stop resisting, but he did not comply. PO Hawk then lifted Mr. [REDACTED] off the ground and forcibly brought Mr. [REDACTED] to the ground. Mr. [REDACTED] landed on to his left side and then turned onto his stomach. PO Hawk landed on his left knee. PO Hawk then straddled Mr. [REDACTED] and grabbed and handcuffed one of Mr. [REDACTED] wrists. Mr. [REDACTED] resisted by clutching his loose hand underneath his body and refusing to place it behind his back. Approximately 30 seconds later, PO Hawk got ahold of Mr. [REDACTED] loose hand, placed it behind Mr. [REDACTED] back, and handcuffed it. PO Hawk denied using any other force against [REDACTED].

PO Hawk lifted Mr. [REDACTED] off the ground after handcuffing him. PO Hawk observed scrapes and cuts to Mr. [REDACTED] head, hand, and leg. Mr. [REDACTED] bled from these injuries. Mr. [REDACTED] sustained his injuries due to the fall to the ground and from wrestling with PO Hawk on the ground. Mr. [REDACTED] also said he was hurt and limped on his left or right foot. PO Hawk did not call an ambulance to the location because Mr. [REDACTED] was coherent and was not severely injured nor required immediate medical attention. PO Hawk planned on calling an ambulance at the stationhouse.

Mr. [REDACTED] was also apprehended, but PO Hawk did not know how this occurred. PO Hawk recovered a marijuana cigarette in the location where he initially observed Mr. [REDACTED] and Mr. [REDACTED] smoking. Both Mr. [REDACTED] and Mr. [REDACTED] were removed to the stationhouse. An ambulance arrived at the stationhouse approximately 20 minutes later. The EMTs cleaned Mr. [REDACTED] wounds and checked his left or right foot. Mr. [REDACTED] removed his sock and PO Hawk noticed a cut on his foot. PO [REDACTED] wrote Mr. [REDACTED] and Mr. [REDACTED] summonses for unlawful [REDACTED] of marijuana while EMTs evaluated Mr. [REDACTED]. Mr. [REDACTED] was then released into the custody of the EMTs. PO Hawk reviewed the TRI report he prepared for Mr. [REDACTED] and all the enclosed photographs. PO Hawk acknowledged taking the photographs. When asked why he did not take a

photograph of Mr. [REDACTED] foot injury, PO Hawk responded, "I have no idea."

The TRI prepared by PO Hawk (BR 07) documents that Mr. [REDACTED] resisted and used force against PO Hawk by wrestling/grappling and pushing/shoving. PO Hawk used a forcible take down against Mr. [REDACTED] in defense of self, to overcome resistance and aggression, and because Mr. [REDACTED] was a fleeing suspect. Both PO Hawk and Mr. [REDACTED] were injured. Mr. [REDACTED] sustained minor lacerations/abrasions sustained by unintentional action(s) by PO Hawk. The photographs attached to the TRI depict blood on Mr. [REDACTED] tank top, a cut on his right hand, and a scrape on his right shoulder. PO Hawk sustained minor swelling and complained of substantial pain. The photograph attached to the TRI depicts a minor cut on PO Hawk's right wrist.

PO [REDACTED] (BR 08) stated that he was informed by Sgt. [REDACTED] via cell phone that there were two kids sitting on the bench on the incident location and smoking marijuana. PO [REDACTED] and PO Hawk drove to the incident location and double-parked approximately one car length away from the curb. PO [REDACTED] observed Mr. [REDACTED] and Mr. [REDACTED] on a bench passing what appeared to be a marijuana cigarette between each other. PO [REDACTED] testified to smelling an odor of burnt marijuana. PO [REDACTED] wanted to talk to Mr. [REDACTED] and Mr. [REDACTED] and see what was going on. PO [REDACTED] did not intend to issue them summonses. PO [REDACTED] and PO Hawk exited unmarked car. Mr. [REDACTED] and Mr. [REDACTED] ran. PO [REDACTED] pursued Mr. [REDACTED] via the unmarked car because Mr. [REDACTED] ran faster. PO Hawk ran after Mr. [REDACTED] PO [REDACTED] did not witness any physical altercation between PO Hawk and Mr. [REDACTED] Upon apprehending Mr. [REDACTED] PO [REDACTED] returned to PO Hawk's location and Mr. [REDACTED] was already in handcuffs.

The Medical Treatment of Prisoner Report (BR 09) prepared by PO [REDACTED] notes that Mr. [REDACTED] had a minor lump close to his eye.

Summonses (BR 10) (BR 11) were issued to Mr. [REDACTED] and Mr. [REDACTED] for unlawful [REDACTED] of marijuana.

Marijuana in a cigarette wrapper was vouchered as arrest evidence for Mr. [REDACTED] and Mr. [REDACTED] The marijuana was field tested and yielded positive results (BR 12 and BR 13).

Patrol Guide Procedure 221-01 (BR 14) officers may use force when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. Patrol Guide Procedure 221-01 further states that usage of force must take into account the following factors in order to determine whether the force was reasonable: the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, and the size, age, and condition of the subject in comparison to the MOS.

PO Hawk and PO [REDACTED] suspected Mr. [REDACTED] and [REDACTED] of unlawful [REDACTED] of marijuana and intended to stop them, check if they had any warrants, and either issue them summonses or use discretion and let them go. Because the NYPD refused to provide the CCRB with the body-worn camera recordings of this incident, the investigation was unable to determine whether Mr. [REDACTED] fled from PO Hawk or resisted custody. However, it is undisputed that PO Hawk ran up to Mr. [REDACTED] wrapped his arms around Mr. [REDACTED] lifted him off the ground, and forcibly placed him against the ground. Once on the ground, Mr. [REDACTED] allegedly pulled and placed his hand by his waist as PO Hawk tried to handcuff him.

At the time of the incident, PO Hawk was 5'11" tall and 220 pounds while Mr. [REDACTED] was 5'9" tall and 158 pounds. Mr. [REDACTED] was significantly smaller than PO Hawk, Mr. [REDACTED] was not suspected of being armed or dangerous, and the violation he was suspected of was not serious or violent in nature. PO Hawk lifted Mr. [REDACTED] off the ground and forcibly took him to the ground with such force that resulted in significant, life-altering injuries requiring surgery. The inherent danger posed by PO Hawk's use of force far outweighed the danger posed by Mr. [REDACTED] resistance. Taking the above factors into account and given the totality of the circumstances, PO

Hawk's use of physical force was unreasonable. Therefore, it is recommended that **Allegation A** be closed as **substantiated**.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which [REDACTED] [REDACTED] has been a party (BR 15).
- PO Michael Hawk has been a member-of-service for three years and has been named a subject in 6 CCRB cases and 24 allegations, none of which have been substantiated. PO Hawk's CCRB history does not reflect any patterns pertinent to this investigation.
 - Case no. 201902826 involves allegations of abuse of authority and other misconduct. The case is pending investigation.
 - Case no. 201902964 involves allegations of abuse of authority and other misconduct. The case is pending investigation.

Mediation, Civil and Criminal Histories

- The complaint was not suitable for mediation.
- [REDACTED] [REDACTED] filed a Notice of Claim with the City of New York claiming severe and permanent personal injuries including injuries to the head, brain injury, a subdural hematoma, an intracranial hemorrhage, trauma, multiple facial lacerations, left eye injury, multiple lacerations to his hand, arms, and legs, and multiple foot fractures; required surgical intervention; significant limitations in use of body parts; required emergency care and attention requiring medical care and attention in the future; required physical therapy; possible pain injections; possible diagnostic MRI and EMG/NCV testing; inability to perform substantially all activities of daily living, and permanent damage. Mr. [REDACTED] is seeking \$5,000,000 as redress (BR 16).
- According to the Office of Court Administration (OCA), [REDACTED] [REDACTED] has no history of convictions in New York City (BR 17).

Squad No.: 4

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____